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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/855,701	05/16/2001	Morihito Nomura	000400-837	9249

7590 05/07/2003

Platon N. Mandros, Esquire  
BURNS, DOANE, SWECKER & MATHIS, L.L.P.  
P.O. Box 1404  
Alexandria, VA 22313-1404

EXAMINER

RODGERS, MATTHEW E

ART UNIT	PAPER NUMBER
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3677

DATE MAILED: 05/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application N .

09/855,701

Applicant(s)

NOMURA ET AL.

Examiner

Matthew E. Rodgers

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 February 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9-18 is/are allowed.
- 6) ☒ Claim(s) 1, 6, and 8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 October 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 6, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spitzley (USPN 6,363,577) in view of Josserand et al (USPN 6,401,302) and in further view of Sano et al (USPN 6,167,779). Spitzley shows a vehicle door handle device having a frame secured to the outer panel of a vehicle door having a supporting portion (34a) and insertion holes (34g, 34j). A link (36, 30h, 30g) is rotatably mounted to the frame and urged by an urging force of an elastic member (38, through lever 32) in one rotational direction. A grip-type outer handle (30) is mounted from outside the outer panel and operatively associated with the link to operate the link so as to rotate against the urging force of the elastic member. The link (36, 30h, 30g) is provided with axle portions (30h). The frame is provided with slots (34g) for inserting each of the axle portions (30h) and with supporting holes (34e) for rotatably supporting the axle portions. The link is provided with a first engaging portion (34h) that engages with a second engaging portion on the frame to hold the link in a preliminary holding position. It is considered that the first engaging portion (34h) elastically deforms the edges of the recess in the housing (secondary engaging portion) with which it mates.

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However, Spitzley does not teach a frame secured to an inside of an outer panel of a vehicle door. Josserand teaches that it is well known in the art to mount a frame (14) on the inside of a door panel for the purpose of allowing the frame to be fitted quickly and simply onto the bodywork panel (col. 1, lines 10-15).

Spitzley in view of Josserand does not teach axles having two-faced portions, nor does Spitzley teach that the link (36, 30h, 30g) has a mounting portion to which an elastic member is mounted. Sano shows a hinged connection (Figure 6) that teaches the use of two-faced axle portions (6) (i.e. having two flat portions 6a) mounted on the frame, a slot (8a, 8b) formed on the link portion of a handle (2) and a supporting hole (7) for the purpose of enhancing the supporting strength of the connection (col. 1). Sano also shows the connection is directly biased by spring (3) mounted in the mounting portion formed by the receiving portion (5) (Figure 3) to continuously bias the link in one direction so that the handle is not easily or inadvertently rotated to the point that it may be removed from the frame (1). Sano shows that the two-faced axle portions (6) are mounted on the frame (1) where the slot (8a, 8b) is provided on the mating link of the handle (2). Placing the axles (6) on the link of the handle (2) and the slot (8a, 8b) on the frame (1) involves mere reversal of the working parts of the invention. It has been held that mere reversal of the essential working parts of a device involves only routine skill in the art. *In re Gazda*, 219 F.2d 449, 104 USPQ 400 (CCPA 1955).

Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to make the link of Spitzley being biased in one direction to further prevent inadvertent rotation of the link, in cooperation with first engaging portion (34h), so that the

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handle (30) is secured to the frame; axles having two-faced portions as taught by Sano; and a frame mounted on the inside of an outer vehicle door panel as taught by Josserand.

***Allowable Subject Matter***

Claims 9-18 are allowed. Claims 2-5, and 7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

Applicant asserted that the references relied upon in the previous Office action mailed November 6<sup>th</sup>, 2002 were not cited in a Notice of References Cited (PTO-892) and made of record. Applicant should note that the Notice of References Cited (PTO-892) mailed with the Office action of July 16<sup>th</sup>, 2002 cites all three of the references relied upon in the previous Office action. The Examiner has resent the Notice of References Cited with this Office action.

Applicant's arguments filed February 5<sup>th</sup> have been fully considered but they are not persuasive.

Applicant argues that the pin structure (30h), the fin structure (30g) and the pivot member (36) of Spitzley may not all be considered to be parts of the link since they are parts of different features. However, the language in the claims does not exclude the structure shown by Spitzley.

Applicant argues that the link is not urged by the spring (38) of Spitzley. However, since the pin structure (30h) and the fin structure (30g) are part of the link, and unquestionably urged by the spring (38), the link is urged by the spring (38).

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Applicant argues that the supporting holes (34e) do not support the pin structure (30h) but support the pivot member (36). However, the supporting holes support the pin structure (30h) through the pivot member (36) and do so well within the context of the claims.

Applicant argues that the first engaging portion (34h) is not provided on the link (36, 30h, 30g). However, the first engaging portion (shown at reference numeral 34h) is the protrusion on the pivot member (36) that engages the notch in the supporting holes (34e).

Applicant argues the validity of the combination of Spitzley and Sano in contending that there would be no need to achieve a particular releasing direction or an increased contact angle between the surfaces of Spitzley. In response to Applicant's argument that there is no suggestion to combine the references, the Examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Sano teaches that it is well known in the art to provide two-faced link structure to allow a handle to be rotated and removed but maintained on the assembly during normal use. To say that there would be no need for the handle of Spitzley to be removed and maintained in such a way is speculating the intended use or environment of the invention.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew E. Rodgers whose telephone number is (703) 306-3406. The examiner can normally be reached on regular work hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on (703) 306-4115. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9326 for regular communications and (703) 872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168.

  
MR

April 28, 2003

  
J. J. SWANN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600